

PAUL J. FISHMAN
United States Attorney
JORDAN M. ANGER
Assistant United States Attorney
970 Broad Street, Suite 700
Newark, NJ 07102
Tel. 973-645-2829
Fax. 973-297-2010
email: jordan.anger@usdoj.gov

ELECTRONICALLY FILED

***UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY***

Nationwide Ambulance Services Inc.,

Plaintiff,

v.

**Kathleen Sebelius, Secretary, United
States Department of Health and
Human Services; Highmark Medicare
Services, Inc., and Safeguard Services,
L.L.C.,**

Defendants.

HONORABLE ESTHER SALAS

Civil Action No. 2:12-cv-0830 (ES)

APPLICATION, PURSUANT TO LOCAL RULE
6.1, FOR AN EXTENSION OF TIME TO
ANSWER, MOVE OR OTHERWISE RESPOND

Application is hereby made pursuant to Local Rule 6.1, for a Clerk's Order extending the time within which the Defendants may answer, move or otherwise respond to the complaint filed in this Court by plaintiff Nationwide Ambulance Services Inc. ("Nationwide") on or about February 13, 2012, and it is represented that:

1. No previous extension has been obtained;
2. On or about February 19, 2012, Nationwide served the United States Attorney's Office for the District of New Jersey. See Dkt. #4. On or about February 21, 2012, Nationwide served Highmark Medicare Services, Inc. ("Highmark"). See Dkt. #9. On or about March 20, 2012, Nationwide served Safeguard Services, L.L.C. ("Safeguard"). See Dkt. #11;
3. In the complaint, Nationwide seeks "relief in the nature of mandamus" pursuant to 28 U.S.C. § 1361. See Dkt #1 at 1. Nationwide further alleges that both Safeguard and Highmark "was then and there acting as an agent for the Secretary" of HHS. See id. ¶¶ 6-7.
4. Accordingly, Defendants' time to answer, move or otherwise respond would otherwise expire on April 23, 2012;

4. The undersigned attorney, counsel for Defendants, represents to this Court that - upon information and belief - plaintiff Nationwide has failed to complete service of process upon the United States as of the date of this filing; and
5. Therefore, Defendants respectfully request an extension until May 7, 2012 to answer, move or otherwise respond to the complaint in the above-captioned matter.
6. Defendants expressly reserve the right to raise all defenses, including, but not limited to, personal and subject matter jurisdiction and service of process.

PAUL J. FISHMAN
United States Attorney

By: /s/ Jordan M. Anger
JORDAN M. ANGER
Assistant United States Attorney

ORDER

The above application is ORDERED GRANTED on this day of ,
2012; Defendants will file their answer, move or otherwise respond by May 7, 2012.

WILLIAM T. WALSH

By: _____
Deputy Clerk